

# PLANNING COMMISSION

## Regular Meeting Minutes

Monday, February 18, 2019

4:00 p.m.

Sand Springs Municipal Building, 100 E. Broadway

City Council Chambers, Room 203

**MEMBERS PRESENT:** Paul Shindel, Chairman 7-0  
Harold Neal, Vice-Chairman 6-1  
Joe Shelton 6-1  
Patty Dixon 6-1  
Tom Askew 5-2  
Keri Fothergill 5-2 (Arrived 4:01 p.m.)

**MEMBERS ABSENT:** Jason Mikles, Secretary 3-4

**STAFF PRESENT:** Brad Bates, City Planner/Asst. Director-Community Dev.  
Mike Carter, Police Chief  
Cynthia Webster, Recording Secretary

The Sand Springs Planning Commission met in regular session on Monday, February 18, 2019 in the Sand Springs Municipal Building, Room 203, pursuant to the agenda filed with the City Clerk's office, posted on the display board located in the first floor lobby of the Sand Springs Municipal Building, 100 E. Broadway, Sand Springs, Oklahoma, and posted on the City of Sand Springs website at [www.sandspringsok.org](http://www.sandspringsok.org) at 10:45 a.m., February 13, 2019 by Cynthia Webster.

### 1. Call to Order

Chairman Shindel called the meeting to order at the noted time of 4:00 p.m.

### 2. Roll Call

Chairman Shindel called for an individual roll call with members replying in the following manner: Ms. Dixon, here; Mr. Mikles, no response; Mr. Shelton, here; Mr. Shindel, here; Mr. Neal, here; Mr. Askew, here; Ms. Fothergill, no response.

Mr. Mikles and Ms. Fothergill were noted as absent.

### 3. Minutes of January 14, 2019

Commissioners considered approval of the minutes from the January 14, 2019 meeting.

Mr. Neal made a motion that the minutes of January 14, 2019 be approved as presented. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye. The motion carried 5-0-0.

It is noted for the record that Ms. Fothergill arrived at 4:01 p.m., immediately after the vote was taken.

**4. QT #0012 Preliminary Plat**

City Planner Brad Bates presented the staff report. This plat is for the established QT store at 41<sup>st</sup> St. and S. Hwy 97. When the store was remodeled and reconfigured, additional right-of-way was purchased from ODOT. QT is now deeding the acquired property back to the property owner to get the ownership under one legal description and parcel of record.

Mr. Neal made a motion to approve the QT #0012 Preliminary Plat. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

**5. SUP-40**

City Planner Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana cultivation facility at 200 E. Morrow Rd. Staff went over the safeguards as outlined in the company's business plan.

Chairman Shindel opened the public hearing at 4:08 p.m.

Applicant Todd Madlock was present for questions. He stated he is opening this business and two related businesses in phases. The first phase will be the dispensary. After the dispensary is up and running, the company will branch out to cultivation, then to processing.

Johnny Davis, 196 E. Morrow Rd., stated he owns the abutting property, Interstate Electric. Mr. Davis was concerned about odor, security, and traffic.

Mr. Madlock stated his company will use a carbon filtration system. There will be no open exhaust to the outside. The business has a 30-car space parking lot which will be repaved by the property owner. Mr. Madlock did not feel that he will generate any more traffic than the previous business, Morrow-Gill.

Mr. Shelton asked Chief Carter to address security. Chief Carter said his department will patrol the business after hours as they do any other business. These businesses also have intrusion alarms and other security features.

Mr. Davis spoke again regarding criminals buying product to resell.

Chairman Shindel advised that only licensed medical marijuana card holders can purchase from a dispensary.

Laura Davis, 196 E. Morrow Rd., stated she was concerned for her employees who might have to work late night.

Mr. Madlock said they would have armed security both during business hours and after hours.

Chairman Shindel closed the public hearing at 4:24 p.m., and stated that the Planning Commission would now complete the Findings of Fact and Conclusions of Law.

Mr. Shelton made a motion that the project will have a minimal effect on the adjacent property. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Neal made a motion that the community welfare will not be adversely affected by the project. Mr. Askew seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Neal made a motion that the project will not have an impact on public facilities. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Shelton made a motion to approve the safeguards as outlined in the staff report. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Ms. Dixon made a motion that all procedural requirements have been met and recommended approval of SUP-40 to City Council. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms.

Fothergill, aye. The motion carried 6-0-0.

**6. SUP-41**

City Planner Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana processing facility at 200 E. Morrow Rd. Staff went over the application and noted the safeguards that applicant is proposing to put in place.

Chairman Shindel opened the public hearing at 4:41 p.m.

Applicant Todd Madlock was present for questions. He stated that his business will start off using a heated press to extract liquid from the plant. Eventually, the company will move to a CO<sup>2</sup> process. Discussion was also held regarding product waste from the extraction process.

Chairman Shindel closed the public hearing at 4:46 p.m., and stated that the Planning Commission would now complete the Findings of Fact and Conclusions of Law.

Mr. Shelton made a motion that the project will have a minimal effect on the adjacent property. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Neal made a motion that the community welfare will not be adversely affected by the project. Mr. Askew seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Shelton made a motion that the project will not have an impact on public facilities. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Ms. Dixon made a motion to approve the safeguards as outlined in the staff report. Mr. Askew seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms.

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Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Ms. Dixon made a motion that all procedural requirements have been met and recommended approval of SUP-41 to City Council. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

**7. SUP-42**

City Planner Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana dispensary at 200 E. Morrow Rd. Staff went over the application and noted the safeguards that applicant is proposing to put in place.

Chairman Shindel opened the public hearing at 4:57 p.m. Discussion was held regarding the use of the word "Farmacy" in the company name. Applicant Todd Madlock stated there are 3 other businesses in the State of Oklahoma using this spelling of "Farmacy". His company has spent considerable money building and promoting this business. Commission asked that he get verification of approval of the firm name from the State before the City Council meeting.

Chairman Shindel closed the public hearing at 5:03 p.m., and stated the Commission would now complete the Findings of Fact and Conclusions of Law.

Mr. Shelton made a motion that the project will have a minimal effect on the adjacent property. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Neal made a motion that the community welfare will not be adversely affected by the project. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Neal made a motion that the project will not have an impact on public facilities. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms.

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Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Shelton made a motion to approve the safeguards as outlined in the staff report. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Neal made a motion that all procedural requirements have been met and recommended approval of SUP-42 to City Council. Mr. Askew seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

#### **8. SUP-43**

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana dispensary at 3418 S. Hwy 97, Ste. B. Staff went over the application and location of the proposed dispensary.

Chairman Shindel opened the public hearing at 5:11 p.m.

The applicant, Jason McCaslin, was not present.

Chairman Shindel closed the public hearing at 5:12 p.m.

Mr. Shelton did not feel comfortable making a recommendation to City Council without applicant or his representative being present as he has questions about the business plan and security measures. Mr. Shelton made a motion to continue this item until the March 18, 2019 Planning Commission meeting. Mr. Askew seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

#### **9. SUP-44**

City Planner Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana dispensary at 1104 W. Wekiwa. Staff went over the application and noted the safeguards that applicant is proposing to put in place. City Planner Bates noted the dispensary would be in the front portion of a

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building operating as a cultivation facility (SUP-34).

Chairman Shindel opened the public hearing at 5:18 p.m.

Applicant Tony Rodriguez was present and went over his business and security plan.

Chairman Shindel closed the public hearing at 5:21 p.m.

Mr. Neal made a motion that the project will have a minimal effect on the adjacent property. Mr. Askew seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Ms. Dixon made a motion that the community welfare will not be adversely affected by the project. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Ms. Dixon made a motion that the project will not have an impact on public facilities. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Neal made a motion to approve the safeguards as outlined in the staff report. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

Mr. Shelton made a motion that all procedural requirements have been met and recommended approval of SUP-44 to City Council. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

#### 10. **SUP-45**

City Planner Bates presented the staff report. The Planning Commission is being asked

to conduct an initial hearing and determine notification requirements for a Specific Use Permit to allow a medical marijuana cultivation facility at 411 S. Lincoln Ave., Ste. L. Staff discussed the typical notification requirements.

Mr. Askew made a motion to approve Staff's recommendation of one sign posted at the subject location; mail notification to property owners within a 300' radius twenty days before the public hearing; legal notification published two weeks prior to the hearing date and a Public Hearing set for March 18, 2019. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

**11. SUP-46**

City Planner Bates presented the staff report. The Planning Commission is being asked to conduct an initial hearing and determine notification requirements for a Specific Use Permit to allow a medical marijuana processing facility at 411 S. Lincoln Ave., Ste. C. Staff discussed the typical notification requirements.

Ms. Dixon made a motion to approve Staff's recommendation of one sign posted at the subject location; mail notification to property owners within a 300' radius twenty days before the public hearing; legal notification published two weeks prior to the hearing date and a Public Hearing set for March 18, 2019. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

**12. SSL-662**

City Planner Bates presented the staff report. The applicant, City of Sand Springs, is proposing to split an 18-acre tract located at 400 S. Hwy 97. The split will create two tracts, one being 15.90 acres (Tract 1) and the second being 2.10 acres (Tract 2). The purpose of the lot split is so that Tract 2 can be sold to a potential buyer.

It is noted for the record that Ms. Dixon had to leave the meeting at the noted time of 5:37 p.m.

Mr. Shelton made a motion to approved SSL-662 as presented. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 5-0-0.



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**13. Director's Report**

City Planner Bates stated that the April Planning Commission meeting may have to be rescheduled as he will be out of state at that time.

**14. Adjournment**

There being no other items, the meeting was adjourned at the noted time of 5:39 p.m.

3.18.19  
Date of Approval

Jason W. Mikles  
Jason Mikles, Secretary